

DRAFT MINUTES

Portable Ladder Advisory Committee Meeting December 3, 2008 - Sacramento

Attendees:

<u>NAME</u>	<u>AFFILIATION</u>
Larry McCune	Division of Occupational Safety and Health
Mike Crain	United Food and Commercial Workers, Local 8
Carlos Serrano	Lamar Advertising
Bo Bradley	Associated General Contractors of California
Jim Hay	State Compensation Insurance Fund
Steve Johnson	Associated Roofing Contractors
Wendy Holt	Association of Motion Pictures and Television Producers
Larry Pena	Southern California Edison
Steve Forck	Sierra Nevada
Pat McDermott	Davey Tree Service
Silas Shawver	California Rural Legal Assistance
Anne Katten	California Rural Legal Assistance Foundation
Jose Garza	Service Employees International Union
Kevin Bland	California Framing Contractors / Residential Contractors Assoc.
Jim Hinson	Make It Safe Services, Inc.
Amalia Neidhardt	Division of Occupational Safety and Health
Leslie Matsuoka	Occupational Safety and Health Standards Board
Tom Mitchell	Occupational Safety and Health Standards Board

Mr. Mitchell opened the meeting and reviewed the agenda. He said that portable ladders are used widely in all industries, and Title 8 contains ladder standards or requirements in several standards in the General Industry Safety Orders (GISO) and in other orders such as the Construction Safety Orders (CSO). He said that this made it difficult to assemble an Advisory Committee (AC) roster with representatives from all affected employer and employee groups and still have a committee that was an appropriate size for a working committee. He said representatives from industries other than general industry, such as the construction industry, are included on the AC and that the committee can discuss later how the proposed GISO ladder standards relate to ladder standards in the CSO and other safety orders.

Mr. Mitchell noted that the handout materials include the proposed amendments and background information, such as accident statistics. He discussed the AC and rulemaking processes. The AC members introduced themselves. Mr. Mitchell said that the handouts include written comments from Mr. Anderson, representing COSTCO, and asked that members consider his comments when going through the proposal. Mr. Mitchell stated that the proposal was initiated by the Division to consolidate the separate portable ladder standards for wood, metal, and plastic ladders. The proposal would locate all of the

ladder use requirements in one standard. Mr. Mitchell provided a handout that contained all of the Title 8 standards that have ladder requirements. He said that before the AC discusses the proposed amendments to the three GISO ladder standards, the AC could discuss in general terms how the proposed amendments relate to the other ladder standards; however, he would like to table any specific changes to these other standards until after the AC completes the discussion of the proposed amendments. Mr. Mitchell reviewed handout materials from a NIOSH document which presented statistics on fatalities caused by falls, including falls from ladders. He also mentioned that more information on fatal accidents involving ladders can be retrieved from the Inspection Management and Information System (IMIS) database which is available from the federal OSHA website. He noted that the IMIS data shows that CalOSHA investigations of fatal ladder accidents indicate that all types of workers in all types of industries are affected and that many of the accidents resulted in failure to follow some of the requirements that are in the proposal.

Mr. Mitchell reviewed handout materials containing ladder use requirements from one of the ANSI ladder standard referenced in the proposal. Ms. Holt asked if there was a way to include the text of the ANSI standards in the proposal rather than referencing ANSI or have the ANSI standards provided free of charge. Mr. Mitchell responded that the proposal references the ANSI standards in regards to design and construction requirements. If a ladder is labeled that it meets the ANSI design and construction requirements, then the employer does not need to know the specific test procedures contained in the ANSI standard. Instead of referencing ladder use requirements in the ANSI standard, the proposal incorporates selected ANSI use requirements into the standard. Mr. McCune agreed and noted that most of the design and construction requirements in the existing standards are proposed to be deleted because ANSI labeled ladders meet these requirements. Mr. Hinson noted that the proposed reference to the ANSI standard is narrower in scope than the existing reference which refers to ANSI "safety requirements" rather than ANSI "design and construction requirements." There was a general discussion of issues related to incorporating consensus standards by reference.

Mr. Mitchell noted that one of the handouts is a correction to proposed 3276(c) which updates the reference to the ANSI standard to the most recent 2007 standards and provides exemptions for job-made ladders and special purpose wood ladders. He said these corrections can be discussed later as part of the discussion of proposed changes to 3276(c).

The AC began a review and discussion of each section of the proposal that was handed out. The proposed changes to 1648(d) were discussed. Mr. Hinson proposed to add "rated" before "at least". Mr. Johnson proposed replacing "at least heavy duty" with "type I, IA, or IAA" because the type of ladder is listed on the label. Mr. McCune suggested both could be used. Mr. Bland supported specifying "type I, IA, or IAA" and adding a note that would say, "See the duty rating table in section 3276(d)."

The proposed changes to 3276, Use of Ladders, were discussed. Mr. Mitchell explained that existing 3276 applies to both portable and fixed ladders. One objective of the proposal is to have all the requirements that pertain to portable ladders in one section (i.e. proposed section 3276). Therefore 3276 was renumber 3278, the title was amended to Use of Fixed Ladders, and subsection (b), which applies to portable ladders and not to fixed ladders, was deleted. The requirements in existing 3276 that apply to portable ladders were copied into proposed 3276, as indicated by the note in brackets which identifies the proposed subsection where the portable ladder requirement would be located. The net effect is that the requirements in existing 3276 that pertain to fixed ladders will be located in proposed section 3278, Use of Fixed Ladders, and the requirements in existing 3276 that pertain to portable ladders will be located in proposed section 3276, Portable Ladders. Mr. Hinson asked if this AC was to consider adding additional use requirements for fixed ladders. Mr. Mitchell responded that that is outside of the scope of this AC which is only considering portable ladder requirements and that an advisory committee for fixed ladders was recently convened.

The proposed changes to 3277, Fixed Ladders, were discussed. Mr. Mitchell explained that the only proposed amendment is to change the internal reference from “3278” to “3276(c)” because the section numbers of those standards are proposed to be changed. There were no comments on the proposed change.

The proposed changes to 3278, Portable Wood Ladders, were discussed. Mr. Mitchell said the section was renumbered from 3278 to 3276 so that the ladder standards would be in a logical order, i.e. 3276 portable ladders, 3277 fixed ladders, 3278 use of fixed ladders. The proposal strikes “wood” from the title because proposed 3276 would contain all of the portable ladder requirements, including those in existing Sections 3279 and 3280 pertaining to metal and plastic ladders. Those sections would be deleted. Mr. Mitchell noted that the first paragraph under proposed 3276 would be moved to 3276(c)(1), as indicated. That text can be discussed later.

Subsection (a), Scope, was discussed. There was discussion of whether it is necessary to distinguish “self-supporting and non-self supporting ladders”. Mr. Pena supported keeping the text as is because the terms are used in the definitions of the various ladder types. Mr. McCune agreed.

Subsection (b), Definitions, was discussed. Mr. McCune said that the definitions of the various types of ladders should not be deleted as proposed because it helps when trying to compare a special purpose ladder such as poster ladder to a type of ladder which is defined in the ANSI standard. Mr. Hinson questioned why the proposal deletes the definitions that are in the ANSI standard. Mr. Mitchell responded that the definitions were deleted because they are not used in the Title 8 standard. Mr. McCune said that these ladders are used in the workplace. He said that a special purpose ladder can be matched with the definition of the type of ladder that it most closely resembles; the special purpose ladder should conform to the applicable design and construction requirements for the type of ladder that it most closely matches.

Ms. Katten noted that subsection (c) exempts special purpose wood ladders. Mr. Mitchell said that the ANSI standard for wood ladders contains a section (6.4.4 other types of special ladders, which is not in the ANSI metal or plastic ladder standards) that lists various types of ladders such as tripod step ladders and fruit-pickers ladders which are not covered by the ANSI standard. He said that the proposal does not include a definition for these types of ladders, but the proposal covers all portable ladders and requires that they be designed and constructed in accordance with ANSI. An exemption was proposed to address this issue.

It was noted that definitions of the various ladder types are in the federal standard. There was a consensus to retain the definitions of the various ladder types including special purpose ladders. Mr. Mitchell asked if the definition of special purpose ladder was clear. Mr. McCune said that that definition gives guidance to compliance officers when addressing A-frame ladders, such as fruit-picker ladders or window cleaner ladders, so that they recognize that such a ladder is not out of compliance just because it is not one of the common types of ladders defined. Mr. Hinson suggested that adding ANSI 6.4.4 would define "other types of special ladders." Mr. McCune said it is sufficient to rely on the definition of "special purpose ladders", which allows employers to design special ladders, such as hang on ladders used to hang on insulators on utility towers.

Mr. Mitchell asked if it is necessary to include definitions of types of ladders that are in the newer versions of the ANSI standards but are not defined in the proposal, such as "step stool (ladder type)." Mr. Hinson said that it would be appropriate to add it. Mr. Mitchell said that ANSI is working on a standard for step stools. Mr. Hinson said that UL has a standard. Mr. McCune said it is best to leave the step stool out because it would become subject to the ladder use requirements. Mr. Pena agreed with Mr. McCune and stated that it wasn't necessary to be consistent with every aspect of the ANSI standard. Mr. McCune said there are other things like ladder platforms and scaffold type ladders that are covered under other ANSI standards. Mr. Hinson was concerned that the step stool is the only thing designed to work off the top steps and the ANSI definition makes it clear that you cannot work off the top steps of a stool or ladder more than 32 inches high. There was one comment (unidentified) in support of adding the ANSI definition of step stool (ladder type). Mr. Pena, Mr. Johnson, Ms. Holt agreed with Mr. McCune that the definition should not be added. Mr. Mitchell said he doesn't think it is necessary because ANSI is working on a separate standard to address step stools. Mr. Mitchell said that it appeared that there was a consensus to leave out the definition. No other definitions were proposed to be added.

Proposed subsection (c), design and construction, was discussed. Mr. Mitchell noted that he made corrections to the original proposed subsection (c) and asked that the committee consider these modifications rather than the text of the original proposal. He said that the modifications pertain to the dates of the referenced ANSI standards and Exception No. 2. Mr. Mitchell said that proposed subsections (c)(1), (c)(2), and (c)(3) would reference the 2007 versions of ANSI A14.1, A14.2, and A14.5, for wood, metal, and plastic ladders. These are the most recent versions. Mr. Hay asked why the word "requirements" was removed from the first line of the subsection. There was discussion of whether to include

the word “requirement”. There was agreement to strike “requirement”, as proposed. Mr. Mitchell explained that the new 2007 ANSI standards for wood, metal, and plastic ladders incorporate the design and construction requirements that are in the ANSI A14.10 standard for special heavy duty portable ladders. The older versions of the ANSI A14.1, A14.2, and A14.5 standards did not incorporate the ANSI A14.10 requirements into them; therefore it is necessary to reference ANSI A14.10 for ladders that were manufactured under that standard.

Exception No. 1 was discussed. Mr. McCune suggested that the exception should be changed to a note that makes reference to section 1676, Job-made cleat ladders. Mr. Mitchell said an exception was necessary because a cleat ladder that complies with 1676 might not comply with (c)(1) because it doesn’t meet ANSI requirements. There was agreement to keep the exception but relocate it immediately following (c)(1) because it only applies to wood ladders and not to metal or plastic.

Exception No. 2 to subsection (c) was discussed. Mr. McCune suggested that the exception not be restricted to wood ladders. Mr. Pena agreed and said that utility companies use special purpose ladders that are specially designed to hang from insulators on transmission poles. These ladders are not wood. Mr. Mitchell explained that, after talking with a member of the ANSI ladder committee, he believed that non-wood special purpose ladders, which do not fall into one of the ladder types defined by ANSI, should nevertheless be designed and constructed in accordance with the applicable criteria in the ANSI metal or plastic ladder standards; therefore an exemption isn’t needed. He said the ANSI standard for wood ladders, unlike the ANSI metal and plastic ladders standards, states that it does not cover some special purpose ladders, which ANSI refers to as “other types of special purpose ladders”; therefore he believes an exemption is necessary for these types of special purpose wood ladders because they do not comply with (c)(1). There was discussion of how the exception should be constructed or located so that it is clear that it applies to all of subsection (c) and not just (c)(1). Ms. Katten asked that the exception be worded so that it would only apply when there was no ANSI approved ladder that could be used. Mr. Hinson said that ANSI doesn’t approve ladders; they just write standards. He noted that ladders can be approved under the process described in sections 1502 or 3206. Mr. McCune stated that the exception needs to apply to all of subsection (c) because there are hybrid ladders that are manufactured according to ANSI but have some sort of attachment or modification not addressed by ANSI.

Mr. Hinson proposed that exception No. 2 be changed to subsection (c)(4). Mr. Bland asked why the provision wouldn’t have to be written as an exception; since (c)(1) – (c)(3) covers all portable ladders. Mr. McCune agreed with Mr. Hinson and thought the other types of special purpose ladders should be covered under a separate subsection rather than an exception. Mr. Mitchell asked whether it would be preferable to clarify that exception No. 2 applies to (c)(1) – (c)(3); rather than changing it to a separate subsection. Mr. Hinson and Mr. McCune stated that changing the exception to another subsection would not create conflict with (c)(1) – (c)(3), it would merely establish another set of criteria for ladders not covered by the ANSI standards. Mr. Hinson said that the proposed (c)(4) would require that special purpose ladders be approved by the Division. Ms. Holt

said that the Division only approves rebar covers. Mr. Bland read from section 3206, and it was agreed that 3206 does not require Division approval. Mr. McCune supported using the original text, i.e. “Special ladders which are not covered by one of the ANSI A14 standards reference in this section...”

Ms. Katten asked whether language was needed to clarify that special purpose ladders comply with applicable ANSI design requirements. Ms. Holt read 3206(b) which states that the Division may require further evidence that the (approved) device provides reasonable safety under the conditions of use. Mr. Pena proposed “Other types of special purpose ladders which are not covered by one of the ANSI A14 standards...”. Ms. Bradley proposed using the language in the original proposed Exception No. 2 and changing the exception to a subsection. There was general agreement on her proposal.

Mr. Bland proposed adding “purpose” between “special” and “ladders”. There was general agreement. Mr. Shawver asked what “other types of special purpose ladders” means. There was discussion of changing the language to “special purpose ladders”. Mr. Mitchell asked if everybody agreed with the proposed definition of “special purpose ladder.” There was no disagreement. Mr. Shawver asked whether, for example, a ladder that meets the definition of a single ladder could be claimed to be a special purpose ladder. Mr. Mitchell asked if his question could be illustrated by using an orchard ladder as an example. Mr. Shawver responded, yes. He was concerned that somebody could make a modification to an ANSI labeled ladder and claim it was a special purpose ladder. There was some discussion of what is required under section 3206. The committee’s consensus recommendation was to change exception No. 2 of the original proposal to subsection (c)(4) and add the word “purpose” before “ladder”.

In response to a question from Mr. Hinson, Mr. Mitchell said that if subsection (c)(4) covers “other types of special purpose ladders that are not covered by ANSI”, then (c)(1) – (c)(3) could be interpreted to include special purpose ladders that are covered by ANSI. Several persons agreed with this statement. Mr. Shawver noted that 3206 does not specifically refer to safety. He asked if it would require that an orchard ladder, for example, be just as safe as a ladder type covered by ANSI. Mr. McCune said that a three-legged orchard ladder is designed to be as safe or safer on uneven ground than a standard ladder with four legs. Mr. McCune and Mr. Mitchell noted that under 3206 the Division may require information to verify that the ladder provides reasonable safety. Ms. Katten said that CRLA plans to further consider the issue of requirements for the approval of special purpose ladders.

Amended subsection (d)(1) was discussed. Mr. Hinson recommended deleting “by the manufacturer” because the ladder may be a special purpose ladder. There was agreement. Mr. Bland suggested that the word “selected” was not necessary. Mr. Mitchell read from a section of the ANSI standard regarding selection, which states that proper selection includes consideration of length, duty rating, and self supporting vs. non-self supporting. Mr. McCune said use and selection are separate issues but are combined in this section for brevity. Mr. Bland said he thinks they should be kept separate, but because nobody else was opposed to combining them, he did not have a problem with that.

Proposed subsection (d)(2) was discussed. Mr. Johnson supported including the duty rating table in the standard. Mr. Hinson proposed prohibiting the use of type III, light duty ladders because they are household ladders. Mr. Mitchell said that would prohibit their use in offices, etc, and (c)(1) states that ladders must comply with ANSI, which type III ladders do. There was agreement not to prohibit their use. There were no other suggested changes.

Proposed (d)(3) was discussed. Mr. McCune asked why the existing text was deleted. Mr. Mitchell responded that the maximum length of two section ladders is specified in the ANSI standard, and one of the objectives of the proposal was to delete design requirements covered by ANSI because they are duplicative. Mr. McCune stated that if the specification regarding maximum length of two section ladders and other types of ladders was deleted, there would be no protection for employees from this hazard. Ms. Katten said (d)(1)(A) regarding maximum length of step ladders should also be retained because the ANSI standards are not readily accessible and may not cover special purpose ladders. Mr. Hinson said the ANSI standard may not cover longer ladders that were placed in service before the ANSI requirement was in effect.

Mr. Mitchell asked if anybody wanted to keep in any other design criteria that were deleted. Mr. Mitchell asked the committee if the subsections that prohibit the use of ladders exceeding a specified length should be relocated under subsection (e)(16), Prohibited Uses. The committee agreed that all these prescriptive requirements should kept and relocated to (e)(16), including those regarding step ladders, two-section extension ladders, trestle ladders, extension sections or base sections of extension trestle ladders, painter's step ladders, mason's ladders, cleat ladders, trolley ladders, side-rolling ladders, and single ladders. Ms. Katten said that these are "use requirements" not "design requirements." Mr. Hinson noted that there is no definition of painter's step ladder. Mr. Bland said it should be defined. Some commented that it is not defined; it is a ladder used by painters. Mr. Mitchell read from the ANSI standard regarding the length of step ladders. ANSI prescribes a maximum length for type IA, I, II, and III step ladders.

Mr. Mitchell said ANSI already covers the maximum length of ladders; if we want to specify the maximum lengths in the standard it should be consistent with ANSI. Mr. McCune said that is not necessary. These are existing requirements and we can specify any maximum length we want. Mr. Mitchell suggested that there may need to be a note in subsection (c), which requires ladders meet ANSI design requirements, to refer to the maximum length requirements in (d)(16). Mr. McCune said that these are selection requirements; a ladder may meet the ANSI length requirement, but a shorter ladder would be required to be selected. Mr. Mitchell asked if the maximum length requirements should be placed in (d), Selection, or (e)(16), Prohibited Uses. Mr. Hinson suggested adding a note in (d)(1) that refers to the prohibited use of ladders exceeding the lengths specified in (e)(16). It was agreed to move the length requirements for all types of ladders to (e)(16). Step ladders would not be divided into type I, II and III step ladders but would have a maximum length of 20 feet.

The proposed new text for subsection (d)(3) was discussed. Mr. Bland proposed replacing “at least heavy duty” with “type I, IA, or IAA duty rated” to be consistent with the changes made to proposed 1648. There were no objections.

The proposed new text for subsection (d)(4) was discussed. Mr. McCune proposed moving the note to (d)(1). Ms. Katten proposed changing “users” to “employers” because employees don’t have any control over selection. Mr. Bland disagreed. Mr. Mitchell proposed striking “Users shall give” and beginning the sentence with “Consideration shall be given to ...”. There was agreement.

Mr. Johnson asked why it was necessary to bring the text of 1637(a) into subsection (d)(3). Mr. McCune responded that many persons are not aware of the 1637 requirements and that these scaffold requirements interface with the ladder requirements. Mr. Johnson thought it was too vague. The text of 1637(a) was discussed. Mr. Bland asked if 1637(a) would take precedence over 3276(d)(3) for construction work. Mr. McCune said it would. Mr. Johnson said he would prefer that all of 1637(a) be included rather than only a portion. Mr. Hinson said that the GISO refers to the CSO scaffold standards. Mr. Bland suggested adding a note that refers to 1637(a). Mr. Hinson noted that 1637(a) treats the use of a ladder as an exception to the use of a scaffold; however, the proposal prohibits the use of a ladder and requires the use of a scaffold, thereby preventing the misuse of a ladder.

Mr. Johnson said he was concerned that “when work cannot be safely done from ladders” is open to interpretation. Mr. Bland responded that this is a performance requirement and it is therefore subject to a reasonable, knowledgeable interpretation. Mr. McCune proposed adding a note to (d)(1) stating: “When work cannot be safely performed from ladders, scaffolds or other worker positioning equipment shall be used”. And adding it to the note in (d)(1). There was agreement on the proposed language and it was further agreed that it should be designated as Note 1 and that the note already proposed to be added to (d)(1) should be designated Note 2.

Subsection (e) was discussed. Ms. Neidhardt proposed relocating existing subsection 3279(d)(1), which requires employers enforce a maintenance program, to proposed subsection (e). She said she was concerned that some employers do not remove damaged ladders from service, and/or do not replace damaged ladders. Mr. Bland was opposed to any provision that would require a damaged ladder be replaced because it may not be necessary. There was agreement that Ms. Neidhardt’s proposal regarding a maintenance program was covered by (d)(1). There was agreement that failure to provide enough ladders was not a maintenance issue. There were no other proposed changes to (e)(1).

Ms. Katten proposed striking “road, street, and highway” from subsection (e)(2) because ladders can be damaged when transported at the workplace. Mr. Hinson said that hanging ladders by their side rails from pickup trucks can damage the ladders and cause the rungs to separate from the side rails. Mr. Bland said that proposed (e)(2), along with (e)(1), is sufficient. Mr. Johnson agreed. Mr. Bland said he wasn’t aware of any accidents caused by ladders damaged during transport. Mr. Bland commented that, in order to be effective,

the standard should focus on the things that cause injuries and not on requirements that have no demonstrated link to injuries, such as transporting ladders. Mr. Hinson said that the ANSI committee must have had information to support the need for the requirement. Mr. McCune said that the requirement is more applicable to ladders continuously transported on utility trucks than it is to the construction industry. He did not want to regulate a six foot ladder transported in the bed of a pickup truck. He said maybe this is something that can be addressed by a maintenance program. Mr. Johnson said that roofing contractors tie ladders down because they do not want to replace them; and the transporting requirement can be addressed by a maintenance program. Mr. Crain said that ladders are transported on small motor vehicles at large wineries that have large tank farms, and he is aware of accidents involving ladders that were not properly secured during transport. He supports deleting “road, street and highway” so the requirement would apply throughout the workplace. Mr. Bland proposed deleting “or damage” to avoid citations when a ladder rubs on a support or is scratched by a support but the damage is not likely to result in an accident. Ms. Katten said she was informed that ladders are being damaged when transported on farms. She was opposed to deleting “or damaged” and proposed adding “structural” or “significant” before “damage”.

Mr. Mitchell noted that ANSI section 3.4.4 provides several mandatory and non-mandatory requirements related to supporting and securing a ladder during transport. Ms. Holt said that a requirement to secure the ladder during transport is not necessary to prevent damage because that is already covered by the maintenance requirement and the requirement may not be necessary to prevent falling, either. Mr. Mitchell asked if there was agreement on text that would state, “Ladders transported on motor vehicles shall be properly supported and secured to prevent falling.” Mr. Hinson objected to deleting “or damaged” because that should be addressed as it is in ANSI. Ms. Katten agreed that “damage” should be addressed. There were no other objections to the proposed language.

Subsection (e)(3) was discussed. Mr. Mitchell said that the provision regarding wood ladders is from 3287(b)(1), which he read. Ms. Holt noted that Mr. Anderson provided written comments regarding the proposed subsection. Mr. Anderson did not support having to re-paint a ladder. He supported deleting the requirement. Mr. Hay noted that protection from deteriorating agents is covered in 3279(d)(3). Mr. Johnson said he supported protecting metal ladders from deterioration but did not support a requirement to paint wood ladders. Mr. Mitchell acknowledged that combining the requirements may be problematic. He would not want to see persons applying coatings to plastic ladders that may damage the ladder. Mr. Mitchell proposed adding “metal” in front of “ladders” so that provision would only apply to metal ladders. Mr. Johnson proposed adding “according to the manufacturer’s guidelines” in regards to applying a protective coating. Ms. Holt proposed splitting the subsection into (3)(A) and (3)(B). There were no objections to the proposed changes.

Subsection (e)(4) was discussed. Mr. Bland noted that the requirement is taken from 3279(d)(4). Mr. Johnson proposed replacing “equipment” with “ladders”, and the committee agreed. Mr. McCune asked why the existing text was deleted. Mr. Shawver suggested incorporating the deleted text into (e)(1) to say, for example, “Ladders and

auxiliary equipment shall be maintained...”. Mr. Hinson supported retaining the existing text of (e)(4), and Ms. Katten agreed. She would not object to moving it to subsection (e)(1).

Mr. Mitchell noted that the federal standard states that rungs shall be kept free of oil and grease. Mr. Bland supported using the federal language. Mr. Mitchell read from the federal standard which also states that safety feet and other auxiliary equipment shall be kept in good condition to ensure proper performance. Somebody, who could not be identified from the recording, stated that the deleted text in (e)(4) is covered by the text in (e)(1) which states that the moveable parts shall operate freely without binding. Mr. McCune said that it could be questioned whether a ladder foot was covered by (e)(1).

Mr. Hinson supported using the more specific language. Mr. McCune said it is very important that the ladder feet operate properly. Mr. Mitchell proposed retaining the deleted text because it is in the federal standard; if it is already covered by (e)(1), retaining it should have no effect; we are just being more specific. Mr. Mitchell asked if there was agreement on the proposed new text provided that “equipment” was replaced with “ladders.” There were no objections.

Mr. Bland suggested replacing the proposed text of Subsection (e)(5) with “Damaged ladders shall not be used.” Ms. Katten asked how “immediate use” is interpreted. Mr. Hinson suggested “prior to each use.” Mr. Bland asked how the inspection requirement would be enforced; is it intended that it be inspected before it is put up? Mr. Hinson suggested placing a period after “use” and starting the next sentence with “Those which...” Mr. Bland suggested “ladders shall be inspected prior to installation.” Ms. Bradley suggested a pre-shift inspection similar to forklifts. Mr. McCune said there is a problem of determining when a ladder is in use. Mr. Bland said he would support language that accomplishes the goal but is not so restrictive that you can’t comply. He doesn’t think the proposed language does that.

Mr. Mitchell suggested “inspected daily before their use.” Mr. Hay proposed “ladders shall be inspected daily prior to use.” Ms. Neidhardt supported inspecting the ladder each time it is moved. Mr. Mitchell said that may not be necessary because (e)(1) requires ladders to be continuously maintained in good condition. There was agreement on Mr. Hay’s proposal.

Mr. Shawver proposed that the required tagging or marking which indicates that the ladder is “Dangerous. Do Not Use”, should be in the appropriate language for the workforce. Mr. Johnson said section 3203 states that safety instructions must be given in a language that the employee understands. Mr. McCune agreed. Mr. Hay noted that the proposal says marked “as”; it doesn’t specify that the ladder has to be marked with the exact text in quotes. Mr. McCune proposed deleting “Damaged Ladders” at the beginning of the subsection because it doesn’t relate to the first sentence which deals with ladder inspection. Mr. Bland agreed that that is troublesome. Mr. Hinson suggested splitting the text into two subsections.

At approximately 3:30 p.m., the committee agreed to adjourn the meeting and reconvene in Oakland on Feb. 20th at 9 a.m. to continue discussion of the proposal. Mr. Mitchell said that the next meeting would also include a discussion of a proposal that would delete ladder requirements in other standards, such as the CSO, and add text in those standards that would reference the GISO ladder standard. Mr. Johnson said he supported consolidating the ladder requirements.

The meeting adjourned before completing the discussion of subsection (e)(5).

EXPLANATORY NOTE: The date of the second meeting was re-scheduled to February 18, 2009. The new meeting date was communicated to committee members by e-mail and to the public by posting on the OSHSB website.